



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Thirty-fourth Meeting Day

Thursday Afternoon

March 29, 2007

The Senate convened at 1:40 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Victor R. Heinold.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker <input checked="" type="checkbox"/>
Drozda	Rogers
Errington	Simpson
Ford	Sipes <input checked="" type="checkbox"/>
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 321: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## RESOLUTIONS ON FIRST READING

### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Concurrent Resolution 74, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 2.

Report adopted.

KRUSE, Chair

### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1019, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1060, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security,

Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1274, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "2007]" and insert "2010]".

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding IC 9-29-11-1, as amended by this act, the provisions of IC 9-29-11-1, as amended by this act, apply only to a contract entered into or modified after June 30, 2010.**

(b) **This SECTION expires December 31, 2010.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1274 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, after line 30, begin a new paragraph and insert:

"(d) **This subsection applies to a changeable message sign erected after the owner or operator receives a permit from the department. Notwithstanding any rules adopted by the department after the issuance of the permit, a changeable message sign that is in compliance with the rules in effect at the time a permit is granted for the changeable message sign is considered to be in compliance with the department's rules.**

SECTION 7. IC 10-13-5-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert notification.**

(b) **The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report that a child has been abducted, to immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child to one (1) or more electronic billboard operators participating in the Amber alert program if the Amber alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification.**

(c) **An electronic billboard operator participating in the Amber alert program shall immediately display:**

(1) **a description of the abducted child; and**

(2) **other information that will assist in locating the abducted child;**

**to the general public in accordance with the Amber alert plan**

**agreement between the clearinghouse and the electronic billboard operator.**

(d) **The department shall adopt guidelines governing the voluntary Amber alert program agreement between the clearinghouse and an electronic billboard operator. The voluntary agreement between the clearinghouse and the electronic billboard operator may include the following provisions:**

(1) **Upon receiving a notification as part of the Amber alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the clearinghouse and the electronic billboard operator.**

(2) **The electronic billboard operator shall treat the Amber alert notification as an emergency.**

(3) **The electronic billboard operator shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification is:**

(A) **generally available to receive an Amber alert notification; and**

(B) **located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification received during days and times when staff is present to receive an Amber alert notification.**

SECTION 8. IC 10-13-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program and that:**

(1) **receives an Amber alert notification from the department; and**

(2) **broadcasts or displays:**

(A) **a description of the abducted child contained in the notification; and**

(B) **other information contained in the notification that will assist in locating the child;**

**is immune from civil liability based on the broadcast or display of the information received from the department.**

(b) **If:**

(1) **a person enters into an agreement with the department to establish or maintain an Amber alert web site; and**

(2) **the agreement provides that only the department has the ability to place information on the web site;**

**the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.**

SECTION 9. IC 34-30-2-35.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 35.7. IC 10-13-5-8.5 (Concerning a broadcaster who broadcasts or an electronic billboard operator who displays an Amber alert notification, and a person who establishes or maintains an Amber alert web site under an agreement with the state police department)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1373 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1378, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PAUL, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1477, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BECKER, Acting Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1067, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A participant who is at least sixty-five (65) years of age is entitled for the remainder of the participant's life to a monthly retirement benefit computed under section 3 of this chapter, beginning on the date specified by the participant in a written application, if all of the following conditions are met on the date on which the benefit begins:

- (1) The participant's service as a member of the general assembly is terminated.
- (2) The participant:
  - (A) has at least ten (10) years of service as a member of the general assembly; or
  - (B) meets the requirements for disability benefits under section 5 of this chapter.
- ~~(3) The participant is not receiving and is not entitled to receive a salary from the state.~~
- ~~(4)~~ (3) The participant is not receiving and has not previously received a reduced monthly retirement benefit under section 4 of this chapter.

SECTION 2. IC 2-3.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A participant who is at least fifty-five (55) years of age is entitled, for the remainder of the participant's life, to a reduced monthly retirement benefit computed under subsection (b), beginning on the date

specified by the participant in a written application, if ~~all~~ **both** of the following conditions are met on the date on which the benefit begins:

- (1) The participant's service as a member of the general assembly is terminated.
- (2) The participant has at least ten (10) years of service as a member of the general assembly.
- ~~(3) The participant is not receiving and is not entitled to receive a salary from the state.~~

(b) The reduced monthly benefit payable for life to a participant eligible under this section is the benefit calculated under section 3 of this chapter, multiplied by a percentage determined as follows:

STEP ONE: From seven hundred eighty (780) months, which equals sixty-five (65) years, subtract the age of the participant at the participant's retirement date expressed in whole months (retirement age in months) and obtain a remainder (X).

STEP TWO:

(A) If the remainder (X) is less than or equal to sixty (60), multiply the remainder (X) times one-tenth percent (0.1%) and obtain a product (Y).

(B) If the remainder (X) is greater than sixty (60), multiply five-twelfths percent (5/12%) times the difference obtained by subtracting sixty (60) from the remainder (X) and obtain a product. Add to this six percent (6%) and obtain a sum (Y).

STEP THREE: From one hundred percent (100%) subtract the appropriate (Y). This equals the percentage used to determine the reduced monthly benefit.

SECTION 3. IC 2-3.5-4-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.1. (a) This section applies to a participant who:

- (1) is at least fifty-five (55) years of age and whose years of service as a member of the general assembly plus years of age are equal to at least eighty-five (85); or
- (2) is at least sixty (60) years of age and has at least fifteen (15) years of service as a member of the general assembly.

(b) A participant who is described in subsection (a) is entitled, for the remainder of the participant's life, to a monthly retirement benefit calculated under section 3 of this chapter, if ~~all~~ **both** of the following conditions are met on the date on which the benefit begins:

- (1) The participant's service as a member of the general assembly is terminated.
- (2) The participant has at least ten (10) years of service as a member of the general assembly.
- ~~(3) The participant is not receiving and is not entitled to receive a salary from the state.~~

(c) A participant who receives a benefit under this section is not entitled to a benefit under section 4 of this chapter."

Page 4, line 28, after "SECTION," delete "'committee'" and insert "'commission'".

Page 4, line 28, delete "interim study committee on" and insert "**pension management oversight commission**".

Page 4, delete line 29.

Page 4, line 30, delete "this SECTION." and insert "**IC 2-5-12-1.**".

Page 4, line 31, delete "There is established the interim study

committee on the".

Page 4, line 32, delete "structure of the Indiana state teachers' retirement fund."

Page 4, line 33, delete "committee" and insert "commission".

Page 4, line 33, after "study" insert "and make recommendations, including any recommended legislation, concerning".

Page 4, line 35, delete "committee" and insert "commission".

Page 4, delete lines 37 through 39.

Page 4, line 40, delete "(e)" and insert "(d)".

Page 4, line 40, after "2007" insert ".".

Page 4, after line 40, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2007] IC 2-3.5-4-2, IC 2-3.5-4-4, and IC 2-3.5-4-4.1, all as amended by this act, apply to participants in the legislators' defined benefit plan regardless of whether they:

(1) retired before July 1, 2007; or

(2) retire after June 30, 2007.

However, IC 2-3.5-4-2, IC 2-3.5-4-4, and IC 2-3.5-4-4.1, all as amended by this act, apply only to benefits first payable after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1067 as reprinted February 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "2." and insert "1."

Page 3, line 4, delete "7" and insert "12".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1."

Page 3, line 10, delete "a nurse practitioner." and insert "an individual who:

(1) is licensed to provide health care services; and

(2) has prescriptive authority;

under IC 25.

Sec. 5. As used in this chapter, "physician" refers to an individual who is licensed under IC 25-22.5.

Sec. 6. As used in this chapter, "registered nurse" refers to an individual who is licensed as a registered nurse under IC 25-23.

Sec. 7. As used in this chapter, "school" refers to a public school, including a charter school."

Page 3, line 11, delete "5." and insert "8."

Page 3, line 13, after "public school" insert ", including a charter school,".

Page 3, line 18, delete "6." and insert "9. As used in this

chapter, "school nurse" refers to an individual who:

(1) is employed by a school;

(2) is licensed as a registered nurse under IC 25-23; and

(3) meets the requirements set forth in 515 IAC 8-1-47.

Sec. 10."

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 11. As used in this chapter, "volunteer health aide" means a school employee who:

(1) is not licensed or authorized to provide health care services under IC 25;

(2) volunteers to act in the capacity of a volunteer health aide; and

(3) has successfully completed the training described in section 14 of this chapter."

Page 3, line 20, delete "7." and insert "12."

Page 3, line 21, delete "whose" and insert "for use during school hours or at a school related activity."

Page 3, delete line 22.

Page 3, line 23, delete "school or participating in a school activity."

Page 3, run in lines 21 through 23.

Page 3, delete line 25.

Page 3, line 26, delete "(2)" and insert "(1)".

Page 3, line 26, delete "licensed physician or".

Page 3, line 27, delete "." and insert "; and

(2) the student's parent or legal guardian."

Page 3, line 29, after "services" insert "or procedures".

Page 3, line 29, delete "may" and insert "should".

Page 3, line 35, after "parent" insert "or legal guardian".

Page 3, line 36, delete "physician or licensed".

Page 3, line 38, after "parent" insert "or legal guardian".

Page 3, line 38, delete "who seeks care for the student's" and insert "with".

Page 3, line 39, delete "while the student is at school or participating in a school".

Page 3, line 40, delete "activity".

Page 3, line 41, delete "school." and insert "school nurse."

Page 3, line 42, delete "school:" and insert "school nurse:".

Page 4, line 6, delete "8." and insert "13."

Page 4, line 7, delete "whose parent seeks care for" and insert "with".

Page 4, line 9, delete "principal and nurse, if the school has a nurse," and insert "nurse".

Page 4, delete line 11.

Page 4, line 12, delete "(2)" and insert "(1)".

Page 4, line 12, delete "licensed physician or".

Page 4, line 14, delete "and", begin a new line block indented and insert:

(2) the school principal;

(3) the student's parent or legal guardian; and".

Page 4, line 15, delete "(3)" and insert "(4)".

Page 4, line 18, delete "A school shall develop a student's individualized health plan".

Page 4, delete lines 19 through 20.

Page 4, line 21, delete "9." and insert "14."

Page 4, line 22, delete "principal" and insert "principal, after

consultation with the school nurse,".

Page 4, line 23, delete "care assistants;" and insert "**volunteer health aides**";.

Page 4, line 24, delete "has:" and insert "**has an adequate number of volunteer health aides to care for students**".

Page 4, delete lines 25 through 28.

Page 4, line 29, delete "care assistant" and insert "**volunteer health aide**".

Page 4, line 31, delete ", if the school has a nurse." and insert "**in accordance with the requirements that apply to the school nurse under IC 25-23**".

Page 4, line 32, after "(c)" insert "**A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.**

(d)".

Page 4, line 33, delete "care assistant." and insert "**volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:**

(1) chooses to perform; and

(2) is trained to perform in the training program described in section 15 of this chapter."

Page 4, line 34, delete "10." and insert "**15**".

Page 4, line 34, delete "state department of health," and insert "**department**".

Page 4, line 34, after "assistance" insert "**of physicians or registered nurses who are qualified in the area of diabetes training and the state department of health, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and**".

Page 4, delete line 35.

Page 4, run in lines 34 through 36.

Page 4, line 37, after "(1)" insert "**Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.**

(2)".

Page 4, line 37, after "Recognizing" insert "**and treating**".

Page 4, line 39, delete "(2)" and insert "**(3)**".

Page 4, line 39, after "Understanding" insert "**the current standards of practice and**".

Page 5, delete lines 1 through 2.

Page 5, line 3, delete "finger sticks" and insert "**tests**".

Page 5, line 3, delete "blood glucose" and insert "**glucose and ketone**".

Page 5, line 4, delete "checking urine ketone levels,".

Page 5, line 4, delete "results of the" and insert "**results**".

Page 5, delete line 5.

Page 5, line 6, delete "glucagon and insulin," and insert "**glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner**".

Page 5, line 7, delete "results of the administration." and insert "**results**".

Page 5, line 15, delete "If a school nurse is assigned to a school,

the" and insert "**The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training and the state department of health, shall develop and provide a diabetes training program for volunteer health aides, which includes the most current standards of practice and technology for diabetes, and treatment. The training must include the following:**

(1) Implementing the orders of a licensed health care practitioner.

(2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.

(3) Performing tests to check glucose and ketone levels, and recording the results.

(4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.

(5) Recognizing complications that require emergency medical assistance.

(6) Understanding:

(A) recommended schedules and food intake for meals and snacks;

(B) the effect of physical activity on blood glucose levels; and

(C) the proper action to be taken if a student's schedule is disrupted.

(c) The".

Page 5, line 16, delete "coordinate" and insert "**coordinate**:"

(1)".

Page 5, line 16, delete "care" and insert "**volunteer health aides**".

Page 5, line 17, delete "assistants,".

Page 5, line 18, delete "(a)." and insert "**(b); and**

(2) the record keeping and monitoring of a volunteer health aide acting under this chapter."

Page 5, line 19, delete "(c)" and insert "**(d)**".

Page 5, line 19, delete "care assistants" and insert "**volunteer health aides**".

Page 5, line 28, delete "(d)" and insert "**(e)**".

Page 5, line 29, delete "by the" and insert "**by**".

Page 5, line 31, delete "11." and insert "**16**".

Page 5, line 31, delete "If a school nurse is assigned to a school and the nurse".

Page 5, line 32, delete "is available, the" and insert "**The school**".

Page 5, line 34, delete "If a school nurse is not assigned to a school or the nurse is" and insert "**When necessary, a volunteer health aide may**".

Page 5, line 35, delete "not available, a care assistant shall".

Page 5, line 38, delete "10" and insert "**15**".

Page 5, line 38, delete "A care assistant must have access to a".

Page 5, delete lines 39 through 42.

Page 6, delete line 1.

Page 6, line 2, delete "care assistant" and insert "**volunteer health aide**".

Page 6, line 2, after "parent" insert "**or legal guardian**".

Page 6, line 4, delete "care assistant" and insert "**volunteer health aide**".

Page 6, line 5, after "parent" insert **"or legal guardian"**.

Page 6, line 6, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 8, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 9, after "nursing;" insert **"and"**.

Page 6, line 12, delete "a health care professional; and" and insert **"an individual licensed or authorized under IC 25 to provide health care services."**

Page 6, delete lines 13 through 15.

Page 6, line 17, after "on the" insert **"sole"**.

Page 6, line 17, delete "that" and insert **"of whether"**.

Page 6, line 17, delete "does not" and insert **"has volunteer health aides."**

Page 6, delete line 18.

Page 6, line 19, delete "12." and insert **"17. (a)"**.

Page 6, line 20, delete "corporation".

Page 6, line 20, after "shall" insert **", except in an emergency,"**.

Page 6, line 21, delete "diabetes," and insert **"diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's individual health plan and the student's diabetes management and treatment plan,"**

Page 6, line 21, delete "but not".

Page 6, line 22, delete "limited to".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

**"(b) The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency."**

Page 6, line 33, delete "13." and insert **"18."**

Page 6, after line 42, begin a new paragraph and insert:

**"SECTION 3. IC 34-6-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.**

**SECTION 4. IC 34-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A school or school board may not:**

(1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:

(A) medication, drugs, or tests described in section 2 of this chapter; or

(B) **health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or**

(2) discipline a teacher or other school employee who:

(A) is not employed as a school nurse or physician; and

(B) refuses to administer medication, drugs, or tests without the written:

(i) authority of a pupil's parent or guardian; or

(ii) order of a practitioner;

required under section 2 of this chapter; or

(C) **refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on**

**a pupil for therapeutic or sanitary purposes."**

Page 7, line 6, delete ":" and insert **"to a pupil:"**.

Page 7, line 15, strike "blood".

Page 7, line 15, strike "by finger prick".

Page 7, line 16, strike "or".

Page 7, between lines 16 and 17, begin a new line block indented and insert:

**"(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or"**

Page 7, line 17, strike "(4)" and insert **"(5)"**.

Page 7, line 17, strike "(3);" and insert **"(4);"**.

Page 7, line 18, strike "to a pupil".

Page 7, line 19, delete "employees" and insert **"employee"**.

Page 7, delete line 20.

Page 7, line 21, delete "or discretion on the part of the employee".

Page 7, run in lines 19 through 21.

Page 8, between lines 2 and 3, begin a new paragraph and insert:  
**"SECTION 6. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "ADM" refers to a school corporation's average daily membership determined under IC 20-43-4-2.**

**(b) As used in this SECTION, "school corporation" means a public school corporation established by Indiana law. The term includes a:**

(1) school city;

(2) school town;

(3) school township;

(4) consolidated school corporation;

(5) metropolitan school district;

(6) township school corporation;

(7) county school corporation;

(8) united school corporation; or

(9) community school corporation.

**(c) On the date a school corporation reports the school corporation's ADM for the 2007-2008 school year, the school corporation shall also report:**

(1) **the number of students in the school corporation who have a chronic disease, by disease category; and**

(2) **the number of school nurses.**

**Chronic disease includes asthma, diabetes, and any other disease the department of education determines is significant for the school corporation to report.**

**(d) The department of education shall provide the information required to be reported in subsection (c) to the health finance commission established by IC 2-5-23-3 not later than sixty (60) days after the department of education receives the reported information.**

**(e) This SECTION expires June 30, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1116 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "any" and insert **"accordance with subsection (d)."**

**(d) Except as provided in subsection (e), a prosecuting attorney who has contracted to provide services under this section may provide services in another county if:**

**(1) the prosecuting attorney of the other county has not entered into a contract with the division to provide services; or**

**(2) the prosecuting attorney of the other county requests the prosecuting attorney to provide services.**

**(e) A prosecuting attorney who is providing services in another county under this section may not do the following:**

**(1) Investigate a criminal matter in the other county.**

**(2) Initiate any judicial proceeding (including seeking a temporary restraining order, an order for protection, or a similar order from a court) in the other county."**

Page 1, delete line 17.

(Reference is to HB 1220 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, between lines 5 and 6, begin a new paragraph and insert: **"SECTION 6. IC 25-22.5-8-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The board may discipline a physician who knowingly or intentionally fails to comply with the requirements of IC 25-27.5-5-2."**

Page 9, line 12, delete "not more than:" and insert **"either:**

**(i) in the county of, or a contiguous county to, the onsite location in which services are rendered or tasks are performed by the physician assistant; or**  
**(ii) the physician or physician assistant is practicing at a hospital or health facility, or traveling to or from the hospital or health facility."**

Page 9, delete lines 13 through 20.

Page 10, line 1, after "committee," insert **"and upon the advice and consent of the executive director of the Indiana professional licensing agency,"**

Page 10, line 7, delete "A" and insert **"An affirmative vote of a majority of the members appointed to the committee"**

Page 10, line 8, delete "quorum".

Page 12, line 22, after "committee" insert **"or the committee's designee"**.

Page 12, line 23, after "extend" insert **"the term of"**.

Page 12, line 23, delete "at the discretion of and on the" and insert **"if the committee or the committee's designee determines that there is good cause for the extension."**

Page 12, delete lines 24 through 25.

Page 12, line 31, delete "and returns the individual's wallet license and wall license".

Page 12, line 32, delete "issued under this article to the committee".

Page 12, line 33, after "status." insert **"The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license. If a physician assistant with an inactive license determines to activate the license, the physician assistant shall pay the renewal fee less any the amount paid for the inactive license."**

Page 13, between lines 17 and 18, begin a new paragraph and insert:

**"SECTION 22. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An individual who:**

**(1) is licensed under this chapter; and**

**(2) does not practice as a physician assistant under a supervising physician;**

**shall notify the committee in writing that the individual does not have a supervising physician.**

**(b) If an individual who is certified under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's certificate on inactive status.**

**(c) An individual may reinstate a certificate that is placed on inactive status under this section if the individual:**

**(1) submits a written application to the committee requesting that the certificate be placed on active status; and**

**(2) provides information as required by the committee concerning the physician who will be supervising the individual."**

Page 13, line 23, delete "assistant of" and insert **"assistant, including"**.

Page 13, line 29, after "2." insert **"(a)"**.

Page 13, line 29, after "2." insert **"(a)"**.

Page 13, between lines 36 and 37, begin a new paragraph and insert:

**"(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.**

**(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:**

**(1) schedule an examination of the patient in a timely manner unless the patient declines; or**

**(2) arrange for another physician to examine the patient.**

**(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in subsection (b) or (c), the patient may not be charged for more than one (1) visit.**

**(e) A supervising physician or physician assistant who does not comply with subsections (b) through (d) is subject to**

discipline by the medical licensing board under IC 25-22.5-8-6.

(f) A physician assistant's supervisory agreement with a supervising physician must:

- (1) be in writing;
- (2) include all the tasks delegated to the physician assistant by the supervising physician;
- (3) set forth the supervisory plans for the physician assistant, including the emergency procedures that the physician assistant must follow; and
- (4) specify the name of the drug or drug classification being delegated to the physician assistant and the protocol the physician assistant shall follow in prescribing a drug.

(g) The physician shall submit the supervisory agreement to the board for approval. The physician assistant may not prescribe a drug under the supervisory agreement until the board approves the supervisory agreement. Any amendment to the supervisory agreement must be resubmitted to the board for approval, and the physician assistant may not operate under any new prescriptive authority under the amended supervisory agreement until the agreement has been approved by the board.

(h) A physician or a physician assistant who violates the supervisory agreement described in this section may be disciplined by the board."

Page 14, line 7, after "physician." insert "A physician assistant may not prescribe or dispense the following drugs:

- (1) A schedule I substance listed in IC 35-48-2-4.
- (2) A schedule II substance listed in IC 35-48-2-6.
- (3) A schedule III, schedule IV, or schedule V drug if the drug contains oxycodone.

However, a physician assistant may prescribe a four (4) hour prescription of a drug listed in subdivisions (1) through (3) if the patient is in an inpatient hospital setting and the physician is unavailable to make the prescription."

Page 14, line 21, delete "sedation/analgesia." and insert "sedation as defined by the board."

Page 14, line 22, delete "sedation/analgesia" and insert "sedation:

- (1) if the moderate sedation contains agents in which the manufacturer's general warning advises that the drug should be administered and monitored by an individual who is:
  - (A) experienced in the use of general anesthesia; and
  - (B) not conducting the surgical or diagnostic procedure; and
- (2)".

Page 14, line 25, delete "(1)", begin a new line double block indented and insert:

"(A)".

Page 14, line 28, delete "sedation/analgesia." and insert "sedation."

Page 14, line 29, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 14, line 30, delete "sedation/analgesia" and insert "sedation".

Page 14, line 33, delete "(A)", begin a new line triple block indented and insert:

"(i)".

Page 14, line 35, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 14, line 36, delete "sedation/analgesia," and insert "sedation,".

Page 15, line 24, delete "." and insert ", including:

- (1) the name of the drug or drug classification being delegated by the supervising physician; and
- (2) the protocols the physician assistant shall use when prescribing the drug."

Page 15, line 42, after "(a)" insert ", and in accordance with the limitations specified in section 4(c) of this chapter,".

Page 16, line 15, delete "that" and insert "that:

(1)".

Page 16, line 17, delete "designee." and insert "designee;

(2) is in an amount not to exceed:

- (A) a seven (7) day prescription of the drug; or
- (B) if the drug cannot be dispensed in as small of an amount as the amount described in clause (A), the smallest dispensable amount; and
- (3) is in accordance with the limitations set forth in section 4(c) of this chapter."

Page 16, after line 39, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE UPON PASSAGE] (a) The medical licensing board shall, not later than September 1, 2007, define the following terms:

- (1) General anesthesia.
- (2) Regional anesthesia.
- (3) Moderate sedation.
- (4) Deep sedation.

(b) A physician assistant may not perform moderate sedation in the manner allowed under IC 25-27.5-5-4(f) until the medical licensing board has defined the required terms under subsection (a).

(c) This SECTION expires December 31, 2007.

SECTION 31. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1241 as printed February 14, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-13, AS AMENDED BY P.L.145-2006, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:



- (1) Children born out of wedlock to the parties.  
 (2) Children born or adopted during the marriage of the parties.  
 (b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.  
 (c) "Child", for purposes of IC 31-19-5, includes an unborn child.  
 (d) "Child", for purposes of the juvenile law, means:  
   (1) a person who is less than eighteen (18) years of age;  
   (2) a person:  
     (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and  
     (B) who either:  
       (i) is charged with a delinquent act committed before the person's eighteenth birthday; or  
       (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or  
   (3) a person:  
     (A) who is alleged to have committed an act that would have been murder if committed by an adult; ~~and~~  
     (B) who was less than eighteen (18) years of age at the time of the alleged act; ~~and~~  
     **(C) who is less than twenty-one (21) years of age.**  
 (e) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.  
 (f) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:  
   (1) a child support order issued under IC 31-14-10 or IC 31-16-6; or  
   (2) any other child support order that is enforceable under IC 31-16-12.5.  
~~(g) "Child", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-1.~~  
~~(h) "Child", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-1.~~  
~~(i) (g) "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age."~~  
 Page 2, delete lines 10 through 18, begin a new paragraph, and insert:  
**"(d) This section does not affect a disclosure or reporting requirement in effect on July 1, 2007, under statute or in case law regarding a statement that:**  
   **(1) relates directly to the facts or immediate circumstances of a homicide; or**  
   **(2) reveals that the child may intend to commit a crime."**  
 Page 2, delete lines 39 through 42, begin a new paragraph, and insert:  
**"(d) This section does not affect a disclosure or reporting requirement in effect on July 1, 2007, under statute or in case law regarding a statement that:**  
   **(1) relates directly to the facts or immediate circumstances of a homicide; or**  
   **(2) reveals that the child may intend to commit a crime."**  
 Page 3, delete lines 1 through 5.  
 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1339 as reprinted February 9, 2007.)

and when so amended that said bill do pass.  
 Committee Vote: Yeas 5, Nays 1.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

**"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.**

**(b) Before September 1, 2007, the office shall apply to the United States Department of Health and Human Services for the necessary amendment to the state Medicaid plan or for a waiver to authorize the office to reimburse a health care provider under Medicaid for the collection of cord blood by the health care provider from a pregnant Medicaid recipient upon the birth of a newborn.**

**(c) The office may not implement the state plan amendment or waiver described in subsection (b) until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION has been approved and is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the amendment or the waiver is approved.**

**(d) If the office receives federal approval for the amendment or waiver described in this SECTION and the governor receives the affidavit filed under subsection (c), the office shall implement the amendment or waiver not more than sixty (60) days after the governor receives the affidavit. Any cost to the state resulting from the implementation of the amendment or the waiver must be paid from appropriations made to the office of the secretary of family and social services or other private funds made available to the office.**

**(e) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.**

**(f) This SECTION expires July 1, 2013.**

**SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

**(b) Before November 1, 2007, the state department of health and the office of the secretary of family and social services shall orally report to the commission the agencies' progress in developing a program for the statewide collection of cord blood from pregnant women upon delivery of a newborn.**

**(c) This SECTION expires December 31, 2007.**

**SECTION 3. An emergency is declared for this act."**

Delete pages 2 through 4.

(Reference is to HB 1348 as printed February 20, 2007.)  
 and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

# COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1388, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 32.

Page 5, line 34, delete "JANUARY 1, 2007 (RETROACTIVE)]:" and insert "JULY 1, 2007]:".

Page 5, line 35, after "'qualified" insert "**media**".

Page 6, line 3, delete "IC 5-28-22-0.6." and insert "**IC 6-3.1-32-5.**".

Page 6, line 7, after "qualified" insert "**media**".

Page 6, line 10, after "qualified" insert "**media**".

Page 6, line 15, after "qualified" insert "**media**".

Page 6, line 19, after "qualified" insert "**media**".

Page 6, line 25, delete "IC 5-28-22-0.8);" and insert "**IC 6-3.1-32-6) for which a tax credit is claimed under IC 6-3.1-32;**".

Page 6, line 26, after "qualified" insert "**media**".

Page 6, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 2. IC 6-3.1-32 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

## Chapter 32. Media Production Expenditure Tax Credit

Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation.

Sec. 2. As used in this chapter, "department" refers to the department of state revenue.

Sec. 3. As used in this chapter, "pass through entity" means:

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) a partnership;
- (3) a limited liability company; or
- (4) a limited liability partnership.

Sec. 4. As used in this chapter, "qualified applicant" means a person, corporation, partnership, limited liability partnership, limited liability company, or other entity that is engaged in the business of making qualified media productions in Indiana.

Sec. 5. (a) As used in this chapter, "qualified media production" refers to the following:

- (1) Any of the following that is produced for any combination of theatrical or television viewing or as a television pilot:
  - (A) A feature length film, including a short feature, an independent or studio production, or a documentary.

(B) A television series, program, or feature.

(2) A digital media production that is intended for reasonable commercial exploitation.

(3) An audio recording or a music video.

(4) An advertising message broadcast on radio or television.

(5) A media production concerning:

(A) training; or

(B) external marketing or communications.

(b) The term includes preproduction, production, and postproduction work.

(c) The term does not include a production in any medium that is obscene (under the standard set forth in IC 35-49-2-1) or television coverage of news or athletic events.

Sec. 6. (a) As used in this chapter, "qualified production expenditure" means any of the following expenses incurred in Indiana or expenditures in Indiana made in the direct production of a qualified media production in Indiana:

(1) The payment of wages, salaries, and benefits to Indiana residents.

(2) Acquisition costs for a story or scenario used in the qualified media production.

(3) Acquisition costs for locations, sets, wardrobes, and accessories.

(4) Expenditures for materials used to make sets, wardrobes, and accessories.

(5) Expenditures for photography, sound synchronization, lighting, and related services.

(6) Expenditures for editing and related services.

(7) Facility and equipment rentals.

(8) Food and lodging.

(9) Legal services if purchased from an attorney licensed to practice law in Indiana.

(10) Any other production expenditure for which taxes are assessed or imposed by the state.

(b) The term does not include expenditures for payments of wages, salaries, or benefits to an individual who is a director, a producer, a screenwriter, or an actor (excluding extras), unless the individual is a resident of Indiana.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- (2) IC 6-5.5 (the financial institutions tax); and
- (3) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that has any state tax liability.

Sec. 9. A qualified applicant that:

- (1) incurs or makes qualified production expenditures of:
  - (A) at least one hundred thousand dollars (\$100,000), in the case of a qualified media production described in section 5(a)(1) of this chapter; or
  - (B) at least fifty thousand dollars (\$50,000), in the case of a qualified media production described in section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter; and

(2) satisfies the requirements of this chapter; is entitled to a refundable tax credit as provided in this chapter.

Sec. 10. This section applies to a taxpayer that claims qualified production expenditures of less than six million dollars (\$6,000,000) in a taxable year for purposes of the tax credit under this chapter. The amount of the tax credit to which a taxpayer is entitled under this chapter equals the product of:

- (1) fifteen percent (15%); multiplied by
- (2) the amount of the taxpayer's qualified production expenditures in the taxable year.

Sec. 11. This section applies to a taxpayer that claims qualified production expenditures of at least six million dollars (\$6,000,000) in a taxable year for purposes of the tax credit under this chapter. If the corporation approves the granting of a tax credit to the taxpayer under section 13 of this chapter, the amount of the tax credit to which the taxpayer is entitled under this chapter equals the product of:

- (1) the percentage determined by the corporation under section 13 of this chapter; multiplied by
- (2) the amount of the taxpayer's qualified production expenditures in the taxable year.

Sec. 12. (a) To receive the tax credit provided by this chapter, a taxpayer must claim the tax credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided under this chapter.

(b) In the case of a taxpayer that claims a tax credit under section 11 of this chapter, the taxpayer must also file with the taxpayer's annual state tax return or returns a copy of the agreement entered into by the corporation and the taxpayer under section 13 of this chapter for the tax credit.

Sec. 13. (a) A taxpayer that proposes to claim a tax credit under section 11 of this chapter must, before incurring or making the qualified production expenditures, apply to the corporation for approval of the tax credit.

(b) After receiving an application under subsection (a), the corporation may enter into an agreement with the applicant for a tax credit under section 11 of this chapter if the corporation determines that:

- (1) the applicant's proposed qualified media production:
  - (A) is economically viable; and
  - (B) will increase economic growth and job creation in Indiana; and
- (2) the applicant's proposed qualified media production and qualified production expenditures otherwise satisfy the requirements of this chapter.

(c) If the corporation and an applicant enter into an agreement under this section, the agreement must specify the following:

- (1) The percentage to be used under section 11(1) of this chapter in determining the amount of the tax credit. The percentage may not be more than fifteen percent (15%).
- (2) Any requirements or restrictions that the applicant must satisfy before the applicant may claim the tax credit.

(d) The maximum amount of tax credits that the corporation may approve under this section during a particular taxable year for all taxpayers is five million dollars (\$5,000,000).

Sec. 14. If the amount of the tax credit provided under this chapter to a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer is entitled to a refund of the excess.

Sec. 15. If a pass through entity is entitled to a tax credit under this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 16. A taxpayer may not sell, assign, convey, or otherwise transfer a tax credit provided under this chapter.

Sec. 17. A qualified applicant is not entitled to a tax credit under this chapter for tangible personal property:

- (1) that is a qualified production expenditure; and
- (2) for which the qualified applicant claims an exemption under IC 6-2.5-5-41.

Sec. 18. Notwithstanding any other provision, including any reciprocity agreements entered into by the state, a taxpayer that is a corporation or a nonresident person and that claims a tax credit under this chapter (or any successor in interest in any part of the taxpayer) must file an Indiana income tax return for at least the first five (5) years that the taxpayer has income from the qualified media production for which the tax credit was granted. Notwithstanding the income apportionment provisions of IC 6-3 and any rules adopted by the department of state revenue, in the case of a corporation or a nonresident person (or any successor in interest in any part of the corporation or nonresident person), the portion of the income from the qualified media production that for purposes of taxation under IC 6-3 is considered to be derived from sources within Indiana is equal to:

- (1) the income of the corporation or nonresident person (or the successor in interest of the corporation or nonresident person) from the qualified media production; multiplied by
- (2) a percentage equal to:
  - (A) the amount of qualified production expenditures for which the tax credit was granted for the qualified media production; divided by
  - (B) the total production expenditures for the qualified media production.

Sec. 19. (a) If a taxpayer (or any successor in interest of the taxpayer) fails to satisfy any condition of this chapter or any condition in an agreement under section 13 of this chapter, or fails to file tax returns as required by section 18 of this chapter, the corporation may:

- (1) disallow the use of all or a part of any unused tax credit granted to the taxpayer (or any successor in interest of the taxpayer) under this chapter;
- (2) recapture all or a part of the tax credit under this chapter that has been applied to the state tax liability of the taxpayer (or any successor in interest of the taxpayer); or

**(3) both disallow the tax credit under subdivision (1) and recapture the tax credit under subdivision (2).**

**(b) A taxpayer may not receive a credit under this chapter unless the taxpayer:**

**(1) consents that the taxpayer (and any successor in interest of the taxpayer) will be subject to the jurisdiction of Indiana courts;**

**(2) consents that service of process in accordance with the Indiana Rules of Trial Procedure is proper service and subjects the taxpayer (and any successor in interest of the taxpayer) to the jurisdiction of Indiana courts; and**

**(3) consents that any civil action related to the provisions of this chapter and in which the taxpayer (or any successor in interest of the taxpayer) is a party will be heard in an Indiana court.**

**Sec. 20. (a) A tax credit may not be awarded under this chapter for a taxable year ending after December 31, 2011.**

**(b) This chapter expires January 1, 2012.**

**SECTION 3. [EFFECTIVE JULY 1, 2007] IC 6-3.1-32, as added by this act, applies to tax credits for qualified production expenditures made after June 30, 2007."**

Delete page 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1388 as printed February 2, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1429, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, after "Sec. 8." insert **"(a) This section does not apply to a lien on a Medicaid recipient's real property under IC 12-15-8.5.**

**(b) This section applies only to a lien on a recovery under section 1 or section 2 of this chapter.**

**(c)".**

Page 1, after line 9, begin a new paragraph and insert:

**"SECTION 2. IC 12-15-8.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The office may contract with an attorney to obtain or enforce a lien under this chapter.**

**(b) If the office contracts with an attorney under this section, the attorney's fees may not exceed:**

**(1) seven and five-tenths percent (7.5%) of the office's recovery under the lien if the proceeding to obtain and enforce the lien is not contested; or**

**(2) ten percent (10%) of the office's recovery under the lien if the proceeding to obtain and enforce the lien is contested."**

(Reference is to HB 1429 as printed February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1437, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, after line 13, begin a new paragraph and insert:

**"SECTION 5. IC 12-23-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The court may agree to provide the services and facilities of a program for individuals referred from another court, a probation department, the department of correction, the Federal Bureau of Prisons, or the division, the prosecuting attorney's office, or pretrial services."**

(Reference is to HB 1437 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1461, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, delete lines 24 through 28, begin a new paragraph and insert:

**"(d) As used in this section, "qualified taxpayer" means a taxpayer that on the effective filing date of the claimed invention:**

**(1) is either:**

**(A) an individual or corporation, if the number of employees of the individual or corporation, including affiliates as specified in 13 CFR 121.103, does not exceed five hundred (500) persons; or**

**(B) a nonprofit organization or nonprofit corporation as specified in:**

**(i) 37 CFR 1.27(a)(3)(ii)(A) or 37 CFR 1.27(a)(3)(ii)(B); or**

**(ii) IC 23-17; and**

**(2) is domiciled in Indiana."**

Page 9, line 29, delete "(f) and (g)," and insert **"(g) and (h),"**

Page 9, between lines 37 and 38, begin a new line block indented and insert:

**"(4) Subject to subsection (f), income from the taxpayer's own use of the taxpayer's qualified patent to produce the claimed invention.**

**(f) The exemption provided by subsection (e)(4) may not exceed the fair market value of the licensing fees or other income that would be received by allowing use of the qualified taxpayer's qualified patent by someone other than the taxpayer. The fair market value referred to in this subsection must be determined in each taxable year in which the qualified taxpayer claims an exemption under subsection (e)(4)."**

Page 9, line 38, delete "(f)" and insert "(g)".

Page 9, line 41, delete "(g)" and insert "(h)".

Page 9, line 42, delete "ten (10)" and insert "seventeen (17)".

Page 10, line 4, delete "One hundred percent (100%)" and insert "Twenty-five percent (25%)".

Page 10, delete lines 7 through 16, begin a new line block indented and insert:

**"(2) Ten percent (10%) each year for the sixth taxable year through the seventeenth taxable year in which the exemption is claimed for the qualified patent."**

Page 10, line 17, delete "(7)" and insert "(3)".

Page 10, line 18, delete "tenth" and insert "seventeenth".

Page 10, line 20, delete "(h)" and insert "(i)".

Page 10, between lines 26 and 27, begin a new paragraph and insert:

**"(j) On or before December 1 of each year, the department shall provide an evaluation report to the legislative council, the budget committee, and the Indiana economic development corporation. The evaluation report must contain the following:**

**(1) The number of taxpayers claiming an exemption under this section.**

**(2) The sum of all the exemptions claimed under this section.**

**(3) The North American Industry Classification System code for each taxpayer claiming an exemption under this section.**

**(4) Any other information the department considers appropriate, including the number of qualified patents for which an exemption was claimed under this section.**

**The report required under this subsection must be in an electronic format under IC 5-14-6."**

Page 11, line 24, delete "P-Series;" and insert "P-Series fuels; or".

Page 11, line 25, delete "electricity; or" and insert "electricity".

Page 11, delete line 26.

(Reference is to EHB 1461 as printed March 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1468, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 38, delete "A".

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 2.

Page 6, between lines 6 and 7, begin a new paragraph and insert:  
**"SECTION 2. IC 25-26-13-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31.2. (a) A pharmacist may administer an immunization to an individual under a drug order or prescription.**

**(b) A pharmacist may administer an immunization for influenza to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician if the following requirements are met:**

**(1) The physician specifies in the drug order, prescription, or protocol the group of individuals to whom the immunization may be administered.**

**(2) The physician who writes the drug order, prescription, or protocol is licensed in Indiana and not employed by a pharmacy.**

**(3) The pharmacist who administers the immunization is responsible for notifying, not later than fourteen (14) days after the pharmacist administers the immunization, the physician who authorized the immunization and the individual's primary care physician that the individual received the immunization.**

**(4) If the physician uses a protocol, the protocol may apply only to an individual or group of individuals who are at least:**

**(A) fourteen (14) years of age but less than eighteen (18) years of age, if the pharmacist receives the consent of a parent or legal guardian, and the parent or legal guardian is present at the time of immunization; or**

**(B) eighteen (18) years of age.**

**(c) If the state department of health or the department of homeland security determines that an emergency exists, a pharmacist may administer any immunization in accordance with:**

**(1) the requirements of subsection (b)(1) through (b)(3); and**

**(2) any instructions in the emergency determination.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "state department" refers to the state department of health established by IC 16-19-1-1.**

**(b) The state department shall, in consultation with health care providers, evaluate the current immunization data registry system under IC 16-38-5 and determine ways to make the registry easier for health care providers to report to and use.**

**(c) Not later than November 1, 2008, the state department shall orally report to the health finance commission established by IC 2-5-23-3 concerning the state department's progress under this SECTION. The report must include any recommendations of the state department to make the immunization data registry easier for health care providers to report to and use.**

**(d) This SECTION expires December 31, 2008.**

**SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the Indiana board of pharmacy created by IC 25-26-13-3.**

**(b) The board shall study and make findings on the issue of the application of technology in the dispensing of drugs, including the reliance on bar code technology in long term care pharmacies. The study must include the review of the use of pharmacy technicians when using bar code technology.**

**(c) Not later than November 1, 2007, the board shall report to the health finance commission established by IC 2-5-23-3 and the legislative council regarding the board's findings under this SECTION. The report to the legislative council must be in an**

electronic format under IC 5-14-6.

(d) **This SECTION expires December 31, 2008.**"

Page 6, line 7, after "Before" delete "July" and insert "**January**".

Page 6, line 12, delete "IC 25-26-13-2, as amended" and insert "**IC 25-26-13-31.2, as added**".

Page 6, between lines 20 and 21, begin a new line block indented and insert:

**"(5) The pharmacist may report the immunization of each individual to the immunization data registry maintained by the state department under IC 16-38-5.**

**(6) A pharmacist may not be required to administer an immunization or complete the accredited training program if the pharmacist chooses not to administer any immunization."**

Page 6, after line 21, begin a new paragraph and insert:

**"SECTION 4. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1468 as printed February 14, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Delete page 2.

Page 3, delete lines 1 through 28.

Page 5, delete lines 39 through 42, begin a new paragraph and insert:

**"SECTION 2. IC 33-38-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) This subsection applies to participants, survivors, and beneficiaries receiving benefits as of December 31, 2007. The amount of the monthly benefit received by a participant, survivor, or beneficiary as of December 31, 2007, shall be increased by two percent (2%). The increase under this subsection applies to monthly benefits paid after December 31, 2007.**

**(b) This subsection applies to participants, survivors, and beneficiaries receiving benefits as of December 31, 2008. The amount of the monthly benefit received by a participant, survivor, or beneficiary as of December 31, 2008, shall be increased by two percent (2%). The increase under this subsection applies to monthly benefits paid after December 31, 2008.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The pension management oversight commission established by IC 2-5-12-1 shall do the following:**

**(1) Study the issue of implementing a judges' defined contribution fund.**

**(2) Study any inequities that exist between the benefits provided by the 1977 judges' retirement system and the**

**benefits provided by the 1985 judges' retirement system.**

**(3) Identify the ways in which the benefits provided by the 1977 judges' retirement system and the benefits provided by the 1985 judges' retirement system may be aligned.**

**(b) As part of the study under subsection (a)(1), the pension management oversight commission shall consider possible employer contribution rates by the state to a judges' defined contribution fund. The study must include a review of employer contribution rates for a judges' defined contribution fund that are consistent with employer contributions made by the state to other public pension plans.**

**(c) The commission shall operate under the policies governing study committees adopted by the legislative council and shall issue a final report before November 1, 2007, concerning the issues studied under this SECTION.**

**(d) This SECTION expires June 30, 2008.**

**SECTION 4. An emergency is declared for this act."**

Delete page 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1480 as reprinted February 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1489, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, after "for" insert "**the consideration of**".

(Reference is to HB 1489 as reprinted February 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1659, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 2-5-28" and insert "IC 2-5-28.4".

Page 1, line 4, delete "28." and insert "**28.4**".

Page 2, line 6, delete "transit" and insert "**transit**".

Page 2, line 27, delete "service" and insert "**services**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

**"SECTION 2. IC 8-14-14-5, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The major moves construction fund is established for the purpose of:**

**(1) funding projects, other than passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), under IC 8-15.7 or IC 8-15-3;**

- (2) funding other projects in the department's transportation plan; and
- (3) funding distributions under sections 6 and 7 of this chapter.
- (b) The fund shall be administered by the department.
- (c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.
- (d) The fund consists of the following:
  - (1) Distributions to the fund from the toll road fund under IC 8-15.5-11.
  - (2) Distributions to the fund from the next generation trust fund under IC 8-14-15.
  - (3) Appropriations to the fund.
  - (4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.
  - (5) Revenues arising from:
    - (A) a tollway under IC 8-15-3 or IC 8-23-7-22; or
    - (B) a toll road under IC 8-15-2 or IC 8-23-7-23;
 that the department designates as part of, and deposits in, the fund.
  - (6) Payments, **other than payments for passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4)**, made to the authority or the department from operators under IC 8-15.7.
  - (7) Interest, premiums, or other earnings on the fund.
- (e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.
- (f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
- (g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

SECTION 3. IC 8-14-14-7, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

- (1) **Except as provided in subsection (b)**, the payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves.
- (2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.
- (3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

(b) Money in the fund may not be used for the payment of an obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15.7 in connection with a public-private agreement under IC 8-15.7 concerning a passenger or freight railroad system as described in IC 8-15.7-2-14(a)(4).

SECTION 4. IC 8-14-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 17. Alternative Transportation Construction Fund**

**Sec. 1.** As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

**Sec. 2.** As used in this chapter, "department" refers to the Indiana department of transportation.

**Sec. 3.** As used in this chapter, "fund" refers to the alternative transportation construction fund established by section 4 of this chapter.

**Sec. 4. (a)** The alternative transportation construction fund is established for the purpose of:

- (1) funding projects under IC 8-15.7 for passenger and freight railroad systems as described in IC 8-15.7-2-14(a)(4); and
- (2) funding distributions under section 5 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

- (1) Appropriations to the fund.
- (2) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.
- (3) Payments made to the authority or the department from operators under IC 8-15.7 concerning passenger and freight railroad systems as described in IC 8-15.7-2-14(a)(4).
- (4) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

**Sec. 5.** Money in the fund may be used for any of the following purposes:

- (1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15.7 in connection with the execution and performance of a public-private agreement under

**IC 8-15.7 for a passenger or freight railroad system as described in IC 8-15.7-2-14(a)(4).**

**(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.**

SECTION 5. IC 8-15.7-1-5, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, the department, the authority, or an operator may not carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

(1) Issuing a request for proposals for, or entering into, a public-private agreement concerning a project other than:

**(A) Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64; or**

**(B) a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4).**

(2) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Imposing user fees on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 6. IC 8-15.7-2-14, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Subject to IC 8-15.7-1-5, "project" means all or part of the following:

(1) A limited access facility (as defined in IC 8-23-1-28).

(2) A tollway.

(3) Roads and bridges.

**(4) Passenger and freight railroad systems, including:**

**(A) the costs of environmental impact studies;**

**(B) property, equipment, and appurtenances necessary to operate a railroad, including lines, routes, roads, rights-of-way, easements, licenses, permits, track upgrades, rail grade crossings, locomotives, passenger cars, freight cars, and other railroad cars of any type or class; and**

**(C) other costs that the department determines are necessary to develop a passenger or freight railroad system in Indiana.**

~~(4)~~ **(5)** All or part of a bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service area, or administration, storage, or other building or facility, including temporary facilities and

buildings or facilities and structures that will not be tolled, that the department determines is appurtenant, necessary, or desirable for the development, financing, or operation of the facilities described in subdivisions (1) ~~(2)~~; ~~and (3)~~; **through (4).**

~~(5)~~ **(6)** An improvement, betterment, enlargement, extension, or reconstruction of all or part of any of the facilities described in this section, including a nontolled part, that is separately designated by name or number.

**(b) The term does not include a passenger railroad system that is operated by a commuter transportation district established under IC 8-5-15.**

SECTION 7. IC 8-15.7-5-5, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. To the extent that the department receives any payment or compensation under the public-private agreement other than repayment of a loan or grant or reimbursement for services provided by the department to the operator, the payment or compensation shall be distributed at the direction of the department to the:

(1) major moves construction fund established under IC 8-14-14;

(2) department for deposit in the state highway fund established by IC 8-23-9-54; ~~or~~

**(3) alternative transportation construction fund established under IC 8-14-17; or**

~~(3)~~ **(4)** operator or the authority for debt reduction.

SECTION 8. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 8-15.7-2, as amended by this act, apply throughout this SECTION.**

**(b) The department shall submit an annual report to the legislative council in an electronic format under IC 5-14-6. The report under this subsection must include detailed information on the department's efforts concerning:**

**(1) the development;**

**(2) the financing;**

**(3) the operation; or**

**(4) any combination of the development, financing, and operation;**

**of passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), as amended by this act, through public-private agreements.**

**(c) This SECTION expires July 1, 2012."**

Page 2, delete lines 40 through 42, begin a new line double block indented and insert:

**"(B) Delaware.**

**(C) Hamilton.**

**(D) Hancock.**

**(E) Hendricks.**

**(F) Johnson.**

**(G) Madison.**

**(H) Marion.**

**(I) Monroe.**

**(J) Morgan.**

**(K) Shelby."**

Page 3, delete lines 1 through 5.

Page 3, line 30, delete "states" and insert "state's".

Page 3, line 31, delete "future" and insert "future."



Page 3, line 34, delete "patterns" and insert "**patterns,**".

Page 3, line 35, delete "identified" and insert "**regions set forth in subsection (b).**".

Page 3, delete line 36.

Page 4, delete lines 16 through 18.

Page 4, line 19, delete "(h)" and insert "**(g)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1659 as reprinted February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Engrossed House Bill 1738, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-25-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 8 of this chapter **and subject to section 2.5 of this chapter**, the commission may contract with a person for the provision of certain minimum quantities of stream flow or for the sale of water on a unit pricing basis. A contract for the provision of minimum stream flows or for the sale of water on a unit pricing basis:

- (1) must be executed by the commission; and
- (2) is subject to approval by the following:
  - (A) The attorney general.
  - (B) The governor.
  - (C) The person desiring the use.

(b) A contract entered into under this chapter may not cover a period of more than fifty (50) years.

(c) Before the submission of the contract to the governor for approval, the commission shall submit a copy of the contract to the department. The department shall, within twenty (20) days of receipt, do the following:

- (1) Prepare a memorandum relative to the effect that the contract might have on recreational facilities.
- (2) Submit the memorandum to the governor for the governor's consideration.

SECTION 2. IC 14-25-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A person that seeks to contract with the commission for the provision of certain minimum quantities of stream flow or the sale of water on a unit pricing basis under section 2 of this chapter must submit a request to the commission and the department. The commission shall not make a determination as to whether to enter into a contract with the person making the request until:

(1) the procedures set forth in this section have been followed; and

(2) the commission has reviewed and considered each report submitted to the commission under subsection (f).

(b) Not later than thirty (30) days after receiving a request under subsection (a), the department shall provide, by United States mail, written notice of the request to the following:

(1) Each person with whom the commission holds a contract for:

(A) the provision of certain minimum quantities of stream flow; or

(B) the sale of water on a unit pricing basis; as of the date of the request.

(2) The executive and legislative body of each:

(A) county; and

(B) municipality, if any;

in which the water sought in the request would be used.

(c) In addition to the mailed notice required under subsection (b), the department shall publish notice of the request, in accordance with IC 5-3-1, in each county:

(1) in which the affected reservoir is located; and

(2) in which the water sought in the request would be used.

In each county in which publication is required under this subsection, notice shall be published in the general circulation newspaper that has the largest circulation in the county.

(d) A notice required under subsection (b) or (c) must:

(1) identify the person making the request;

(2) include a brief description of:

(A) the nature of the pending request; and

(B) the process by which the commission will determine whether to enter into a contract with the person making the request; and

(3) set forth the date, time, and location of the public meeting required under subsection (e).

(e) The advisory council established by IC 14-9-6-1 shall hold a public meeting in each county in which notice is published under subsection (c). A public meeting required under this subsection must include the following:

(1) A presentation by the department describing:

(A) the nature of the pending request; and

(B) the process by which the commission will determine whether to enter into a contract with the person making the request.

(2) An opportunity for public comment on the pending request.

The advisory council may appoint a hearing officer to assist with a public meeting held under this subsection.

(f) Not later than thirty (30) days after a public meeting is held under subsection (e), the advisory council shall submit to the commission a report summarizing the public meeting.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the water resources study committee established by IC 2-5-25-1.

(b) The committee shall study and make findings and recommendations concerning the following:

(1) Current processes and methods used in determining water resource allocation and distribution in Indiana.

**(2) Appropriate policies governing future water resource allocation and distribution planning in Indiana.**

**(c) The committee shall report its finding and recommendations to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2007.**

**SECTION 4. An emergency is declared for this act.**

(Reference is to HB 1738 as reprinted February 14, 2007.)  
and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

**COMMITTEE REPORT**

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1753, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, line 8, delete "shall" and insert "**may**".

Page 1, line 15, delete "must" and insert "**may**".

Page 2, delete lines 11 through 28.

Page 2, line 29, delete "4." and insert "**3.**".

Page 2, line 32, delete "5." and insert "**4.**".

Page 2, line 35, delete "." and insert "**, if the program is conducted by the authority during the reporting period.**".

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1753 as printed February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

**COMMITTEE REPORT**

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1767, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "five (5)" and insert "**four (4)**".

Page 2, line 9, delete "five (5)" and insert "**four (4)**".

Page 2, line 21, delete "five (5)" and insert "**four (4)**".

Page 2, line 27, delete "ten (10)" and insert "**eight (8)**".

Page 2, line 28, after "of" insert "**the**".

Page 3, line 41, delete "five (5)" and insert "**four (4)**".

Page 4, line 1, delete "five (5)" and insert "**four (4)**".

Page 4, line 23, delete "ten (10)" and insert "**eight (8)**".

Page 4, line 39, delete "ten (10)" and insert "**eight (8)**".

Page 5, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-18.5-13, AS AMENDED BY P.L.154-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. With respect to

an appeal filed under section 12 of this chapter, the local government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5** does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to

the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied

by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen

thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief."

Delete page 6.

Page 7, delete lines 1 through 36.

Page 9, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) **This SECTION applies notwithstanding the following:**

(1) IC 6-1.1-3-7.5.

(2) IC 6-1.1-10-31.1.

(3) IC 6-1.1-11.

- (4) 50 IAC 4.2-2.
- (5) 50 IAC 4.2-3.
- (6) 50 IAC 4.2-11.
- (7) 50 IAC 4.2-12.
- (8) 50 IAC 16.

(b) As used in this SECTION, "amended return" means an amended personal property tax return filed by a taxpayer after December 31, 2006, and before March 1, 2007, for the assessment dates.

(c) As used in this SECTION, "assessment dates" refers to assessment dates (as defined in IC 6-1.1-1-2(1)) in 2002, 2003, and 2004.

(d) As used in this SECTION, "return" refers to the personal property tax return required under IC 6-1.1-3-7.

(e) As used in this SECTION, "taxpayer" means a taxpayer that:

- (1) filed original returns under IC 6-1.1-3-7 for the assessment dates; and
- (2) filed amended returns for the assessment dates.

(f) The amended returns:

- (1) are allowed; and
- (2) are considered to have been timely filed.

(g) A taxpayer is entitled to the exemptions for tangible personal property claimed on:

- (1) Schedule B of the amended returns; and
- (2) the Form 103-W filed with the amended returns.

(h) Any notice of increased assessed value issued by a township assessor with respect to personal property that is the subject of an amended return is considered withdrawn and nullified.

(i) IC 6-1.1-37-9 and IC 6-1.1-37-10 do not apply to any additional personal property taxes owed by a taxpayer as a result of filing an amended return.

(j) This SECTION expires July 1, 2008.

SECTION 8. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies notwithstanding the following:

- (1) IC 6-1.1-3-7.5.
- (2) IC 6-1.1-10-31.1.
- (3) IC 6-1.1-11.
- (4) 50 IAC 4.2-2.
- (5) 50 IAC 4.2-3.
- (6) 50 IAC 4.2-11.
- (7) 50 IAC 4.2-12.
- (8) All of the following as in effect before being voided by IC 6-1.1-3-22:
  - (A) 50 IAC 4.3-2.
  - (B) 50 IAC 4.3-3.
  - (C) 50 IAC 4.3-11.
  - (D) 50 IAC 4.3-12.
- (9) 50 IAC 16.

(b) As used in this SECTION, "amended return" means an amended personal property tax return submitted for filing by a taxpayer after December 31, 2006, and before March 1, 2007, for the assessment dates.

(c) As used in this SECTION, "assessment dates" refers to assessment dates (as defined in IC 6-1.1-1-2(1)) in 2002, 2003, and 2004.

(d) As used in this SECTION, "return" refers to the personal property tax return required under IC 6-1.1-3-7.

(e) As used in this SECTION, "taxpayer" means a taxpayer that:

- (1) filed original returns under IC 6-1.1-3-7 for the assessment dates; and
- (2) submitted for filing amended returns for the assessment dates.

(f) The amended returns:

- (1) are allowed; and
- (2) are considered to have been timely filed.

(g) A taxpayer is entitled to the exemptions for tangible personal property claimed on:

- (1) Schedule B of the amended returns; and
- (2) the Form 103-W filed with the amended returns.

(h) Any notice of increased assessed value issued by a township assessor with respect to personal property that is the subject of an amended return is considered withdrawn and nullified.

(i) IC 6-1.1-37-7, IC 6-1.1-37-9, and IC 6-1.1-37-10 do not apply to any additional personal property taxes owed by a taxpayer as a result of filing an amended return.

(j) This SECTION expires July 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1767 as reprinted February 24, 2007.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Engrossed House Bill 1824, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of **sulfur or nitrogen based** pollutants **that are:**

- (A) associated with the combustion or use of coal; and
- (B) **regulated, or reasonably anticipated by the commission to be regulated, by:**
  - (i) the federal government;
  - (ii) the state;
  - (iii) a political subdivision of the state; or
  - (iv) any agency of a unit of government described in items (i) through (iii); and

- (2) that either:

- (A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of

January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

(b) As used in this section, "Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tipple.

(c) Except as provided in subsection (d), the commission shall allow a utility to recover as operating expenses those expenses associated with:

(1) research and development designed to increase use of Indiana coal; and

(2) preconstruction costs (including design and engineering costs) associated with employing clean coal technology at a new or existing coal burning electric **or steam** generating facility if the commission finds that the facility:

(A) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or

(B) is justified, because of economic considerations or governmental requirements, in utilizing nonIndiana coal; after the technology is in place.

(d) The commission may only allow a utility to recover preconstruction costs as operating expenses on a particular project if the commission awarded a certificate under IC 8-1-8.7 for that project.

(e) The commission shall establish guidelines for determining recoverable expenses.

SECTION 2. IC 8-1-2-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.6. (a) As used in this section:

"Clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used at a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of ~~sulfur or nitrogen based~~ pollutants **that are:**

(A) associated with the combustion or use of coal; and

(B) **regulated, or reasonably anticipated by the commission to be regulated, by:**

(i) **the federal government;**

(ii) **the state;**

(iii) **a political subdivision of the state; or**

(iv) **any agency of a unit of government described in items (i) through (iii); and**

(2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

"Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tipple.

"Qualified pollution control property" means an air pollution control device on a coal burning electric **or steam** generating

facility or any equipment that constitutes clean coal technology that has been approved for use by the commission, that meets applicable state or federal requirements, and that is designed to accommodate the burning of coal from the geological formation known as the Illinois Basin.

"Utility" refers to any electric **or steam** generating utility allowed by law to earn a return on its investment.

(b) Upon the request of a utility that began construction after October 1, 1985, and before March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction, but only if at the time of the application and thereafter:

(1) the facility burns only Indiana coal as its primary fuel source once the air pollution control device is fully operational; or

(2) the utility can prove to the commission that the utility is justified because of economic considerations or governmental requirements in utilizing some nonIndiana coal.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 8-1-2-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. (a) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of ~~sulfur or nitrogen based~~ pollutants **that are:**

(A) associated with the combustion or use of coal; and

(B) **regulated, or reasonably anticipated by the commission to be regulated, by:**

(i) **the federal government;**

(ii) **the state;**

(iii) **a political subdivision of the state; or**

(iv) **any agency of a unit of government described in items (i) through (iii); and**

(2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

(b) The commission shall allow a public or municipally owned electric **or steam** utility that incorporates clean coal technology to depreciate that technology over a period of not less than ten (10) years or the useful economic life of the technology, whichever is less and not more than twenty (20) years if it finds that the facility where the clean coal technology is employed:

(1) utilizes and will continue to utilize (as its primary fuel source) Indiana coal; or

(2) is justified, because of economic considerations or governmental requirements, in utilizing nonIndiana coal;

after the technology is in place.

SECTION 4. IC 8-1-2-6.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.8. (a) This section applies to a utility that begins construction of qualified pollution control property after March 31, 2002.

(b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing energy **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of sulfur, mercury, or nitrogen oxides or other ~~regulated~~ air emissions **that are:**

(A) associated with the combustion or use of coal; and

(B) **regulated, or reasonably anticipated by the commission to be regulated, by:**

(i) **the federal government;**

(ii) **the state;**

(iii) **a political subdivision of the state; or**

(iv) **any agency of a unit of government described in items (i) through (iii); and**

(2) that either:

(A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(c) As used in this section, "qualified pollution control property" means an air pollution control device on a coal burning energy **or steam** generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission and that meets applicable state or federal requirements.

(d) As used in this section, "utility" refers to any energy **or steam** generating utility allowed by law to earn a return on its investment.

(e) Upon the request of a utility that begins construction after March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 5. IC 8-1-8.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing electric **or steam** generating facility and directly or indirectly reduces **or avoids** airborne emissions of ~~sulfur or nitrogen based~~ pollutants **that are:**

(A) associated with the combustion or use of coal; and

(B) **regulated, or reasonably anticipated by the commission to be regulated, by:**

(i) **the federal government;**

(ii) **the state;**

(iii) **a political subdivision of the state; or**

(iv) **any agency of a unit of government described in items (i) through (iii); and**

(2) that either:

(A) is not in general commercial use at the same or greater scale in new or existing facilities in the United States as of January 1, 1989; or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after January 1, 1989.

SECTION 6. IC 8-1-8.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c), a public utility may not use clean coal technology at a new or existing electric **or steam** generating facility without first applying for and obtaining from the commission a certificate that states that public convenience and necessity will be served by the use of clean coal technology.

(b) The commission shall issue a certificate of public convenience and necessity under subsection (a) if the commission finds that a clean coal technology project offers substantial potential of reducing ~~sulfur or nitrogen based~~ pollutants **described in section 1(1) of this chapter** in a more efficient manner than conventional technologies in general use as of January 1, 1989. For purposes of this chapter, a project that the United States Department of Energy has selected for funding under its Innovative Clean Coal Technology program and is finally approved for funding after December 31, 1988, is not considered a conventional technology in general use as of January 1, 1989. When determining whether to grant a certificate under this section, the commission shall examine the following factors:

(1) The costs for constructing, implementing, and using clean coal technology compared to the costs for conventional emission reduction facilities.

(2) Whether a clean coal technology project will also extend the useful life of an existing electric **or steam** generating facility and the value of that extension.

(3) The potential reduction of ~~sulfur and nitrogen based~~ pollutants **described in section 1(1) of this chapter that can be achieved by the proposed clean coal technology system.**

(4) The reduction of ~~sulfur nitrogen based~~ pollutants **described in section 1(1) of this chapter** that can be achieved by conventional pollution control equipment.

(5) Federal ~~sulfur and nitrogen based~~ pollutant emission standards.

(6) The likelihood of success of the proposed project.

(7) The cost and feasibility of the retirement of an existing electric **or steam** generating facility.

(8) The dispatching priority for the facility utilizing clean coal technology, considering direct fuel costs, revenues and expenses of the utility, and environmental factors associated with byproducts resulting from the utilization of the clean coal technology.

(9) Any other factors the commission considers relevant, including whether the construction, implementation, and use of clean coal technology is in the public's interest.

(c) A public utility is not required to obtain a certificate under this chapter for a clean coal technology project that constitutes a

research and development project that may be expensed under IC 8-1-2-6.1.

SECTION 7. IC 8-1-8.8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "clean coal technology" means a technology (including precombustion treatment of coal):

(1) that is used in a new or existing energy or steam generating facility and directly or indirectly reduces airborne emissions of sulfur, mercury, or nitrogen oxides or other regulated air emissions that are:

- (A) associated with the combustion or use of coal; and
- (B) regulated, or reasonably anticipated by the commission to be regulated, by:
  - (i) the federal government;
  - (ii) the state;
  - (iii) a political subdivision of the state; or
  - (iv) any agency of a unit of government described in items (i) through (iii); and

(2) that either:

- (A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or
- (B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

SECTION 8. IC 8-1-8.8-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) As used in this chapter, "existing electric or steam generating facility" refers to a facility in Indiana, other than a new energy generating facility, that, regardless of its fuel source, is used to generate electricity or steam.

(b) The term does not include a facility that generates electricity or steam from the incineration, burning, or heating of any:

- (1) general household;
- (2) institutional;
- (3) commercial;
- (4) industrial lunchroom;
- (5) office; or
- (6) landscape;

waste.

SECTION 9. IC 8-1-8.8-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) As used in this section, "regulated air emissions" means air emissions from an electric or steam generating facility that are regulated, or reasonably anticipated by the commission to be regulated, by:

- (1) the federal government;
- (2) the state;
- (3) a political subdivision of the state; or
- (4) any agency of a unit of government described in subdivisions (1) through (3).

(b) As used in this section, "regulated air emissions project" means a project designed to reduce regulated air emissions

from an existing electric or steam generating facility. The term includes projects that provide offset programs, such as agricultural and forestry activities, that reduce the level of greenhouse gases in the atmosphere.

(c) An energy utility (as defined in IC 8-1-2.5-2) may petition the commission for approval of the construction, installation, and operation of a regulated air emissions project. If the commission finds, after notice and hearing, the proposed regulated air emissions project to be reasonable and necessary, the commission shall approve the project and provide the following incentives:

- (1) The timely recovery of costs associated with the regulated air emissions project, including capital, operation, maintenance, depreciation, tax, and financing costs incurred during the construction and operation of the project.
- (2) The recovery of costs associated with:
  - (A) the purchase of emissions allowances; or
  - (B) the payment of emission taxes;
 arising from compliance with air emissions regulations.

(d) In addition to the incentives described in subsection (c), the commission may provide any other financial incentives the commission considers appropriate.

SECTION 10. IC 8-1-8.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 8.9. Conservation and Load Management Programs for Electric Utilities**

Sec. 1. (a) The general assembly makes the following findings:

- (1) Growth of Indiana's population and economic base has created a need for additional sources of reliable electric energy in Indiana.
- (2) In addition to the construction of new energy generating facilities, the development and implementation of cost effective conservation and load management programs is needed if Indiana is to continue to provide reliable electric utility service at reasonable prices.
- (3) Economic barriers exist to the increased development and implementation of conservation and load management programs by electric utilities.
- (4) It is in the public interest for the state to encourage the increased development and implementation of cost effective conservation and load management programs by:
  - (A) removing economic barriers to the development and implementation of conservation and load management programs; and
  - (B) providing financial incentives to electric utilities to develop and implement conservation and load management programs.

(b) The purpose of this chapter is to:

- (1) enhance the competitiveness of Indiana's economy; and
- (2) complement the state's efforts to encourage the construction of new energy generating facilities;

through the promotion and increased use of cost effective conservation and load management programs.

Sec. 2. As used in this chapter, "conservation and load management program" means a program that:



- (1) is sponsored by an electric utility;
- (2) is designed to:
  - (A) reduce the amount of electricity consumed by the electric utility's customers; or
  - (B) otherwise influence customers' timing or use of electricity to reduce the demand placed on the electric utility's distribution system; and
- (3) employs any of the following to achieve the reduction or change in customers' electricity use described in subdivision (2):
  - (A) End use devices or other equipment.
  - (B) Special rates or rate structures.
  - (C) Customer incentives.
  - (D) Customer education initiatives.
  - (E) Other technologies or services.

Sec. 3. (a) As used in this chapter, "conservation and load management costs" means the capital, operating, and maintenance costs incurred by an electric utility in developing and implementing a conservation and load management program.

(b) The term includes the following costs associated with an electric utility's conservation and load management program:

- (1) Research and development costs.
- (2) Administrative costs.
- (3) Labor costs, including costs for services of contractors and subcontractors.
- (4) Equipment and depreciation costs.
- (5) Tax costs.
- (6) Financing costs.
- (7) Financial incentives paid to participating customers.
- (8) Marketing and advertising costs.
- (9) Monitoring and evaluation costs.
- (10) Financial incentives offered by the electric utility for:
  - (A) investment in; or
  - (B) performance associated with;

its conservation and load management program.

Sec. 4. (a) As used in this chapter, "electric utility" means a utility:

- (1) that generates or distributes electricity; and
- (2) whose rates and charges are regulated by the commission.

(b) The term includes the following:

- (1) A rural electric membership corporation organized under IC 8-1-13.
- (2) A corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

Sec. 5. As used in this chapter, "lost revenues" refers to revenues lost by an electric utility as a result of not generating electricity because of the implementation of a conservation and load management program. In determining the revenues lost as a result of a conservation and load management program, an electric utility shall subtract the value of any reduced operating or maintenance costs resulting from the program, including fuel cost savings.

Sec. 6. As used in this chapter, "performance based shared savings incentive" means an incentive mechanism designed to allocate the net system benefits of an electric utility's

conservation and load management programs between:

- (1) the electric utility's shareholders; and
- (2) the electric utility's retail customers.

Sec. 7. (a) The commission shall encourage electric utilities to implement conservation and load management programs by creating the following incentives for the implementation of conservation and load management programs, if the programs are found by the commission to be reasonable and necessary:

- (1) The timely recovery of conservation and load management costs over a reasonable amortization period, as determined by the commission.
- (2) The timely recovery of lost revenues, or the authorization of other mechanisms to remove lost revenues as a barrier to the implementation of conservation and load management programs.
- (3) The authorization of a return to the electric utility in the form of:
  - (A) a timely return equal to the electric utility's weighted cost of capital (as determined under 170 IAC 4-6-14) with respect to the electric utility's total unrecovered capital investment in conservation and load management programs; or
  - (B) a performance based shared savings incentive.
- (4) Other financial incentives the commission considers appropriate.

(b) An electric utility that seeks one (1) or more of the incentives described in subsection (a) must file, on a form approved by the commission, an application with the commission for approval of the incentives sought.

(c) The commission shall, after notice and hearing, issue a determination on the eligibility of the electric utility's conservation and load management program for the financial incentives described in subsection (a) not later than one hundred twenty (120) days after the date of the electric utility's application under subsection (b)."

Page 1, line 10, after "counties," insert "each of".

Renumber all SECTIONS consecutively.

(Reference is to HB 1824 as reprinted February 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HERSHMAN, Chair

Report adopted.

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, pursuant to Senate Rules 73, 79, and 81, I have received from Senator Riegsecker permission for the designated second author/sponsor to take all necessary action for bills or resolutions on which Senator Riegsecker is first author/sponsor.

LONG

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 73

Senate Concurrent Resolution 73, introduced by

Senator Weatherwax:

A CONCURRENT RESOLUTION urging the Department of Transportation to name State Highway 29 in Carroll County the "Trooper Paul Minneman Memorial Highway."

*Whereas, Trooper Paul Vincent Minneman was born and raised on his father's farm in Northeast Carroll County, Indiana and became an Indiana State Policeman on September 1, 1935;*

*Whereas, On May 25, 1937, Trooper Paul Minneman and Deputy Elmer Craig attempted to apprehend the Al Brady Gang, who were then accused of robbing a bank in Goodland, Indiana;*

*Whereas, J. Edgar Hoover is alleged to have described the Al Brady gang as the "most vicious and dangerous gang in history";*

*Whereas, In giving chase, Trooper Minneman was shot 20 times and succumbed to his injuries, leaving behind his wife Margaret and their unborn child, Pauline;*

*Whereas, Trooper Minneman became the second Indiana State Policeman to die in the line of duty and the first to die from a criminal's bullets; and*

*Whereas, Trooper Paul Minneman is an American hero who gave his life in service to our state and country, and deserves recognition: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes and honors the service and sacrifice of State Trooper Paul Minneman.

SECTION 2. That the Indiana General Assembly urges the Indiana Department of Transportation to name State Highway 29 in Carroll County as the "Trooper Paul Minneman Memorial Highway."

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the family of Paul Minneman and the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

#### Senate Resolution 25

Senate Resolution 25, introduced by Senator Jackman:

A SENATE RESOLUTION urging the Legislative Council to assign to the Natural Resources Study Committee the topic of permits for maintenance work on ditches.

*Whereas, Placement and maintenance of ditches that empty into lakes are critical in maintaining the integrity of Indiana's lakes; and*

*Whereas, More study needs to be done on the process that would*

*provide for the protection of lakes from the repair of ditches: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to assign to the Natural Resources Study Committee the topic of permits for maintenance work on ditches.

The resolution was read in full and referred to the Committee on Natural Resources.

#### Senate Concurrent Resolution 77

Senate Concurrent Resolution 77, introduced by Senator Weatherwax:

A CONCURRENT RESOLUTION congratulating the Lewis Cass Marching Kings on winning the Class D Indiana State Marching Band Title.

*Whereas, The Lewis Cass Marching Kings participated in the Indiana State Marching Band Finals for the 25th consecutive year, a feat no other Indiana high school has yet accomplished;*

*Whereas, Band Directors Mike Clark, Don Krug, and Larry Clark along with Director Emeritus Terry Collins prepared the Lewis Cass Marching Kings to compete against 40 other high school bands, grouped into 4 classes;*

*Whereas, In preparation for this competition, the 100 members of the Lewis Cass Marching Kings learned life lessons and gained a work ethic that can be applied to other life challenges;*

*Whereas, At the State Marching Band Finals, held in the RCA Dome, the Lewis Cass Marching Kings performed "Movement for Rosa" and "The Witch and the Saint." They emerged victorious by seven-tenths of a point over runner-up Forest Park; and*

*Whereas, The achievements of the Lewis Cass Marching Kings teach us the value of hard work and dedication and thus deserve recognition: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The General Assembly of Indiana congratulates the Lewis Cass Marching Kings on winning the Class D Indiana State Marching Band Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Principal Isaacs and Lewis Cass Band Director Mike Clark, and to Southeastern School Corporation Superintendent Dr. John Bevan.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of

the resolution. House sponsors: Representatives McClain and Hinkle.

### Senate Concurrent Resolution 76

Senate Concurrent Resolution 76, introduced by Senator Nugent:

A CONCURRENT RESOLUTION honoring Carnegie Hall in Moores Hill, Indiana, on its 100th anniversary.

*Whereas, Carnegie Hall was built in 1907 as a part of Moores Hill College. It was named in honor of industrialist Andrew Carnegie, whose matching grant made construction of the great hall possible;*

*Whereas, Carnegie Hall incorporates Collegiate Gothic architecture and has been described by knowledgeable observers as one of the finest examples of that style in southeastern Indiana;*

*Whereas, Carnegie Hall served as the first home of Moores Hill College. This was the second college in Indiana to open its doors to women and awarded 487 degrees in its 61 years of operation;*

*Whereas, In the years after Moores Hill College moved to Evansville, Carnegie Hall served the community as a high school and later a grade school. At present, the building houses a museum, a library, and a new genealogy room;*

*Whereas, Carnegie Hall plays host to many activities in Moores Hill, including weekly bingo, Head Start classes, Girl Scout and Brownie Troop meetings, yard sales, and Thanksgiving Dinner; and*

*Whereas, As the Moores Hill community recognizes the 100<sup>th</sup> anniversary of the building, all those who have worked for its preservation, including the Carnegie Historic Landmarks Preservation Society, are remembered: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes and celebrates the 100<sup>th</sup> anniversary of Carnegie Hall in Moores Hill, Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Janice Slater, President of the Carnegie Hall Museum.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Bischoff.

### Senate Concurrent Resolution 75

Senate Concurrent Resolution 75, introduced by Senator Landske:

A CONCURRENT RESOLUTION urging the Legislative Council to direct the Natural Resource Study Committee to study

the impacts of invasive species in Indiana.

*Whereas, Public and private lands are impacted by the spread of invasive species in Indiana;*

*Whereas, In recent years, Indiana has seen our natural lakes affected by invasive plants threatening the native flora and fauna and impacting recreational opportunities;*

*Whereas, Indiana forests are being exposed to an exotic insect, which places all species of ash trees in Indiana in imminent danger; and*

*Whereas, Property owners all over Indiana, including agricultural landowners, are suffering invasions of plants and the subsequent need to eradicate these invasive species, such as bush honeysuckles (Amur, Tartarian and Morrow honeysuckles), on their lands: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Legislative Council is urged to direct the Natural Resource Study Committee (Committee) to study the impacts of invasive species in Indiana.

SECTION 2. That the Committee, if so directed, shall establish a task force to study the economic and environmental impacts of invasive species in Indiana and provide findings and recommendations on strategies for prevention, early detection, control and management of invasive species to minimize these impacts.

SECTION 3. That the task force, if established, shall be composed of the following members:

- (1) the State Entomologist or his designee;
- (2) the State Chemist or his designee;
- (3) the Director of the Animal Board of Health or his designee;
- (4) the director of the Purdue Center for Crop Biosecurity and Invasive Species or his designee;
- (5) a representative of the nursery and landscape industry;
- (6) a representative of a conservation group;
- (7) a representative of a city park; and
- (8) two (2) representatives from universities.

SECTION 4. That the task force shall issue reports and recommendations to the Natural Resource Study Committee when it first meets in 2008. The Natural Resource Study Committee shall then issue a final report with recommendations back to the Legislative Council by November 1, 2008.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Kersey.

## RESOLUTIONS ON SECOND READING

### Senate Resolution 18

Senator Delph called up Senate Resolution 18 for second

reading. The resolution was read.

The Chair ordered a division of the Senate. Yeas 32, nays 15. The resolution was adopted.

## ENGROSSED HOUSE BILLS ON SECOND READING

### Engrossed House Bill 1065

Senator Kenley called up Engrossed House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1085

Senator Nugent called up Engrossed House Bill 1085 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1092

Senator Delph called up Engrossed House Bill 1092 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1092-1)

Madam President: I move that Engrossed House Bill 1092 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

**"Sec. 5. As used in this chapter, "grandparent" means a biological grandparent."**

Page 2, line 27, delete "Sec. 5." and insert **"Sec. 6."**

Page 2, line 31, delete "Sec. 6." and insert **"Sec. 7."**

Page 2, line 37, delete "Sec. 7." and insert **"Sec. 8."**

Page 2, line 40, delete "Sec. 8." and insert **"Sec. 9."**

Page 3, between lines 1 and 2, begin a new paragraph and insert:  
**"Sec. 10. As used in this chapter, "sibling" means a brother or sister by blood, half-blood, or adoption."**

Page 3, line 2, delete "Sec. 9." and insert **"Sec. 11."**

Page 3, line 8, delete "spouse or parent" and insert **"spouse, parent, grandparent, or sibling"**.

Page 3, line 25, delete "Sec. 10." and insert **"Sec. 12."**

Page 3, line 36, delete "Sec. 11." and insert **"Sec. 13."**

Page 4, line 6, delete "Sec. 12." and insert **"Sec. 14."**

Page 4, line 9, delete "Sec. 13." and insert **"Sec. 15."**

Page 4, line 12, delete "Sec. 14." and insert **"Sec. 16."**

(Reference is to EHB 1092 as printed March 23, 2007.)

M. YOUNG

Motion prevailed.

#### SENATE MOTION (Amendment 1092-2)

Madam President: I move that Engrossed House Bill 1092 be

amended to read as follows:

Page 3, line 22, delete "An employer may require an employee taking a leave of" and insert **"An eligible employee may elect, or an employer may require the employee, to substitute any earned paid vacation leave, personal leave, or other paid leave, except for paid medical or sick leave, available to the employee for leave provided under this chapter for any part of the ten (10) day period of such leave."**

Page 3, delete lines 23 through 24.

(Reference is to EHB 1092 as printed March 23, 2007.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1193

Senator Miller called up Engrossed House Bill 1193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1278

Senator Ford called up Engrossed House Bill 1278 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1278-2)

Madam President: I move that Engrossed House Bill 1278 be amended to read as follows:

Page 3, between lines 4 and 5, begin a new line block indented and insert:

**"(7) No less than fifty percent (50%) of funds available for investment shall be deposited in banks qualified to hold deposits of participating local government entities."**

(Reference is to EHB 1278 as printed March 23, 2007.)

DROZDA

Upon request of Senator Drozda the President ordered the roll of the Senate to be called. Roll Call 322: yeas 33, nays 15.

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1324

Senator Hershman called up Engrossed House Bill 1324 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1324-1)

Madam President: I move that Engrossed House Bill 1324 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 25-37.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) When used in this chapter, "valuable metal" means any product made of copper, copper alloy, brass, aluminum, or aluminum alloy that is readily used or useable:**

**(1) by a public utility, railroad, county, city or state highway department, public or private school, or an institution of**

higher education; or

**(2) on residential or commercial property.**

(b) As used in this chapter, "valuable metal dealer" means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks.

(c) As used in this chapter, "purchase" means acquiring a valuable metal product or products by a valuable metal dealer in a single transaction of one hundred dollars (\$100) or more for a consideration, but does not include purchases between scrap metal processing facilities (as defined in IC 8-12-1-3(d))."

Page 2, line 13, after "purchased." insert **"However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer."**

Page 2, line 18, strike "Within".

Page 2, strike lines 19 through 27.

Page 2, after line 33, begin a new paragraph and insert:

"SECTION 3. IC 25-37.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing:

**(1) valuable metal products of interest to public utilities, railroads, county, city or state highway departments, public or private schools, or an institution of higher education; and**

**(2) valuable metal products of interest for use on residential or commercial property."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1324 as printed March 16, 2007.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1557**

Senator Paul called up Engrossed House Bill 1557 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1557-2)

Madam President: I move that Engrossed House Bill 1557 be amended to read as follows:

Page 7, line 14, after "means." insert **"However, during the period beginning July 1, 2007, and ending June 30, 2009, this subdivision does not apply to an affiliate or a subsidiary of a financial corporation issued a certificate of authority to operate as an industrial loan and investment company under IC 28-5 if**

**all of the following apply:**

**(i) The industrial loan and investment company notifies the department in writing that an affiliate or a subsidiary of the industrial loan and investment company engages or plans to engage in activity involving Indiana residents at an out of state location. The notification required by this clause must list all states other than Indiana in which consumer loans may be made and must describe the nature of the proposed transactions.**

**(ii) The industrial loan and investment company provides written consent allowing the department to consult with and review information provided by other state regulators, as may be requested by the department, concerning the activities identified in clause (i) of any affiliate or subsidiary engaging in consumer lending to Indiana residents in the states identified under clause (i)."**

(Reference is to EHB 1557 as printed March 23, 2007.)

BECKER

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1663**

Senator Miller called up Engrossed House Bill 1663 for second reading. The bill was reread a second time by title.

SENATE MOTION  
(Amendment 1663-2)

Madam President: I move that Engrossed House Bill 1663 be amended to read as follows:

Page 7, line 31, strike "ordinance." and insert **"resolution."**

(Reference is to EHB 1663 as reprinted March 20, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that Senator Lubbers has been excused from voting on EHB 1722 pursuant to the Report of the Committee on Ethics adopted on March 27, 2007.

LONG

Report adopted.

*Pursuant to prior authorization from Senator Riegsecker, Senator Becker called up Engrossed House Bill 1774 for Second Reading.*

**Engrossed House Bill 1774**

Senator Becker called up Engrossed House Bill 1774 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1058

Senator Steele called up Engrossed House Bill 1058 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

### Engrossed House Bill 1192

Senator Gard called up Engrossed House Bill 1192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

### Engrossed House Bill 1305

Senator Lewis called up Engrossed House Bill 1305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

### Engrossed House Bill 1835

Senator Jackman called up Engrossed House Bill 1835 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 27, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 49 and 50 and the same are herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 71 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 103, 125, 211, 254, 267, 276, 342, 371, 557, and 568 with amendments and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 88, 106, 229, and 553 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 50

House Concurrent Resolution 50, sponsored by Senator Nugent:

A CONCURRENT RESOLUTION recognizing Laughery Valley Fish and Game on the occasion of the 30th anniversary of its founding.

*Whereas, Laughery Valley Fish and Game is a nonprofit organization located near Friendship, Indiana;*

*Whereas, The goal of Laughery Valley Fish and Game is to "develop 52 acres of land into a multipurpose outdoor educational facility to promote conservation and the wise use of our natural resources";*

*Whereas, Laughery Valley Fish and Game offers several conservation and hunting programs, including hunter education, shooting sports instruction, and wildlife management and wildlife and natural resource management projects and numerous free educational programs concerning our natural resources;*

*Whereas, Laughery Valley Fish and Game was originally established in 1949 but faded from the scene shortly thereafter,*

*leaving a small treasury in the Friendship Bank;*

*Whereas, During the harsh winters of the mid 1970s, a small group of sportsmen came together in an attempt to regenerate small game that had been decimated by three harsh winters;*

*Whereas, Friendship Bank offered the group the dowry left by the original Laughery Valley Fish and Game if the new group took the same name;*

*Whereas, Throughout the years Laughery Valley Fish and Game has been involved in many conservation and wildlife programs, one of its most successful being the reintroduction of wild turkeys into southeastern Indiana;*

*Whereas, The natural resources of our state are among its greatest treasures; and*

*Whereas, Through the years Laughery Valley Fish and Game has provided educational programs that will help us all conserve and use these natural resources wisely: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Laughery Valley Fish and Game on the occasion of the 30th anniversary of its creation and encourages the organization to continue to educate the citizens of Indiana about conservation and the wise use of natural resources.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Laughery Valley Fish and Game.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### **House Concurrent Resolution 49**

House Concurrent Resolution 49, sponsored by Senator Nugent:

A CONCURRENT RESOLUTION recognizing Carnegie Hall, Moores Hill, Indiana, on the occasion of the 100th anniversary of its founding.

*Whereas, Carnegie Hall stands as a tribute and a proud reminder of the progressiveness of the citizens of Indiana and Hoosier educators;*

*Whereas, The three and one-half story neogothic structure began its role in Indiana history in 1854 when Moores Hill College opened its doors to men and women;*

*Whereas, Moores Hill College played an important role in the establishment of coeducation in Indiana; DePauw and Indiana University did not establish coeducation until eleven years later;*

*Whereas, Moores Hill College was the second established college in Indiana and, some believe, the fifth college in the nation;*

*Whereas, In the early days, Moores Hill College provided instruction from the first grade to the baccalaureate level;*

*Whereas, The college contained an academy department for high school level students, contained a "normal school" that provided teacher training, and eventually added commercial subjects, agriculture, music, and arts and sciences for the A.B. degree;*

*Whereas, In 1917, Moores Hill College moved to Evansville and is today known as the University of Evansville;*

*Whereas, Carnegie Hall continued its usefulness as a Dearborn County high school and then as Moores Hill High School;*

*Whereas, In 1978, Carnegie Hall graduated its last class of seniors when Moores Hill consolidated with three other schools and was converted into an elementary school;*

*Whereas, When the last elementary school student left Carnegie Hall in 1987, the building sat vacant;*

*Whereas, The Carnegie History Landmarks Preservation Society, Inc. was founded in 1987 to maintain and preserve historic Carnegie Hall; and*

*Whereas, Carnegie Hall stands as a monument to a few Hoosier settlers who dreamed of a college education for their children, both boys and girls, and as a reminder of the history of our great state: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the part Carnegie Hall has played in the history of our state and recognizes it on the occasion of the 100th anniversary of its founding.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kent Abraham, Director, Southeast Field Office, Historic Landmarks Foundation of Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### **MESSAGE FROM THE PRESIDENT OF THE SENATE**

Members of the Senate: I have on the 23rd day of March, 2007, signed Senate Enrolled Acts: 10, 41, and 212.

REBECCA S. SKILLMAN  
Lieutenant Governor

**MESSAGE FROM THE PRESIDENT  
OF THE SENATE**

Members of the Senate: I have on the 20th day of March, 2007, signed Senate Enrolled Act 5.

REBECCA S. SKILLMAN  
Lieutenant Governor

**SENATE MOTION**

Madam President: I move that Senator Bowser be removed as second sponsor of Engrossed House Bill 1742 and that Senator Arnold be substituted therefor.

HEINOLD

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Bowser be removed as second sponsor of Engrossed House Bill 1017 and that Senator Arnold be substituted therefor.

HEINOLD

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Mrvan be removed as second sponsor of Engrossed House Bill 1478.

MRVAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Hershman be added as second sponsor and Senator Mrvan be added as third sponsor of Engrossed House Bill 1478.

KENLEY

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Simpson be removed as second sponsor of Engrossed House Bill 1510.

SIMPSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Hershman be added as second sponsor and Senator Simpson be added as third sponsor of Engrossed House Bill 1510.

MERRITT

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Errington be added as cosponsor of Engrossed House Bill 1167.

ALTING

Motion prevailed.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 247 and that a conference committee be appointed to confer with a like committee of the House.

MRVAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1060.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Lubbers be removed as second sponsor of Engrossed House Bill 1647.

LUBBERS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Alting be removed as sponsor of Engrossed House Bill 1647 and that Senator Lubbers be substituted therefor.

ALTING

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Alting be added as second sponsor of Engrossed House Bill 1647.

LUBBERS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1437.

BRAY

Motion prevailed.



SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1824.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1753.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, April 2, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:55 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate